

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Brandy Owen Lewis, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> Governor Mark Dayton, et al., <p style="text-align: center;">Defendants.</p>	Case No. 12-CV-0593 (SRN/ECW) ORDER OF DISMISSAL
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SUSAN RICHARD NELSON, United States District Judge

This matter was stayed over a decade ago pending the resolution of *Karsjens v. Minnesota Department of Human Services*, No. 11-cv-3659 (DWF/TNL). Judgment has now been entered in *Karsjens*, and accordingly, the stay of this matter has now been lifted.

Prior to the lifting of the stay, plaintiff Brandy Owen Lewis was twice directed to provide notice of his intent to continue prosecuting this proceeding. *See* Order of June 27, 2022 [Doc. No. 19]; Order of August 25, 2022 [Doc. No. 20]. In the second of those two orders, Lewis was directed to inform the Court of his intent to prosecute this matter within 21 days, failing which this matter would be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

That deadline has now passed, and Lewis has still not responded in any way to the Court's orders directing him to provide notice of his intent to prosecute. Accordingly, this Court now directs, in accordance with its prior orders, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand*

Hotel, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”). Each of the motions filed by Lewis at the time of the commencement of this action will be denied as moot in light of the dismissal without prejudice for failure to prosecute.

Based on the submissions and the entire file and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. This matter is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

2. The application to proceed *in forma pauperis* of plaintiff Brandy Owen Lewis [Doc. No. 2] is **DENIED AS MOOT**.

3. Lewis’s motion for appointment of counsel [Doc. No. 4] is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 3, 2022

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge